

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. James L. Colon, Jr.
(True Name: Colon L. James, Jr.)

Docket No. 5:10-MJ-1489-1

Petition for Action on Probation

COMES NOW Debbie W. Starling, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Colon L. James, Jr., who, upon an earlier plea of guilty to Level 5 Driving While Impaired, in violation of 18 U.S.C. § 13, assimilating N.C.G.S. 20-138.1, was sentenced by the Honorable James E. Gates, U.S. Magistrate Judge, on July 12, 2011, to a 12-month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee. If Probation finds that the 32 hours the defendant previously completed is in direct connection to this charge then those hours can be counted toward the 24 hours this court ordered.
2. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
3. It is further ordered that the defendant shall participate in any other Alcohol/Drug Rehabilitation and Education program directed by the U.S. Probation Office.
4. The defendant shall surrender his North Carolina driver's license to the Clerk of this Court for mailing to the North Carolina Division of Motor Vehicles and not operate a motor vehicle on the highways of the State of North Carolina except in accordance with the terms and conditions of a limited driving privilege issued by the appropriate North Carolina Judicial Official.
5. Probation may be terminated early if the defendant complies with the standard conditions, completes the ordered special conditions, and has a work assignment overseas.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On January 5, 2012, the defendant was charged in Cumberland County, North Carolina, with Driving While License Revoked (12CR 700484). The defendant admits he drove to work and expresses remorse for his poor decision to drive. Aside from this violation, the defendant has been otherwise compliant. He has completed his community service, completed his

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required treatment program, paid his monetary obligation, and has reported as required. Based upon these factors, it is respectfully recommended that the defendant be required to perform 24 hours of community service as a punitive sanction for driving while his license was suspended.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Debbie W. Starling
Debbie W. Starling
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: February 13, 2012

ORDER OF COURT

Considered and ordered this 13th day of February, 2012, and ordered filed and made a part of the records in the above case.



James E. Gates
United States Magistrate Judge